



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the First day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.5812 of 2020

IN

SA(MD) No.527 of 2020

RATHINAM NADAR

... PETITIONER/APPELLANT

Vs

1 PUSHPAM
2 THAYAMMAL
3 JOSEPH

ANNATHAYAMMAL (DIED)

4 JEBAKANI NADAR
5 SIVASAMPATH

... RESPONDENTS/RESPONDENTS

PRAYER IN CMP(MD) No.5812 of 2020:

To pass an order in Interim Stay of operation of the Judgment and Decree dated 04.09.2020 passed in A.S.No.3 of 2018 before Principal Subordinate Judge, Tenkasi, reversing the Judgment and Decree dated 04.10.2017 passed in O.S.No.337 of 2012 on the file of Additional District Munsif Court, Tenkasi, pending disposal of the main Second Appeal, by allowing this Civil Miscellaneous Petition.

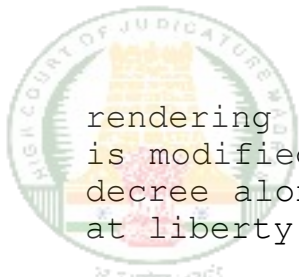
PRAYER IN SA(MD)No.527 of 2020:

To set aside the Judgment and Decree dated 04.09.2020 passed in A.S.No.3 of 2018 before Principal Subordinate Judge, Tenkasi, reversing the Judgment and Decree dated 04.10.2017 passed in O.S.No.337 of 2012 on the file of Additional District Munsif Court, Tenkasi by allowing this Second Appeal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.V.MEENAKSHISUNDARAM for Mr.D.NALLATHAMBI, Advocate for the petitioner and of Mr.G.SRIDHARAN, Advocate on behalf of the Respondents 1 to 3, the Court made the following order:-

The appeal is against the preliminary decree for partition. If final decree is passed pending the appeal, it may have effect in

<https://hcservices.ecourts.gov.in/hcservices/>



rendering the appeal infructuous. Hence, the stay already granted is modified and there shall be an order of stay of passing of final decree alone till the disposal of the appeal. The decree holder is at liberty to apply for future income.

2. Accordingly, this petition is disposed of.

sd/-
01/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE PRINCIPAL SUBORDINATE JUDGE, TENKASI

2. THE ADDITIONAL DISTRICT MUNSIF, TENKASI

+1. C.C. to Mr.D.NALLATHAMBI, Advocate SR.No.636

ORDER
IN
CMP (MD) No.5812 of 2020
IN
SA(MD) No.527 of 2020
Date :01/02/2021

cmr
PK/KV/SAR-I/04.02.2021 : 2P/4C